

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

RONALD DALE WILLIAMS,

Plaintiff,

*versus*GEAN LEONARD, *ET AL.*,

Defendants.

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CIVIL ACTION G-09-0063

Opinion on Dismissal

Ronald Dale Williams sues Galveston County Sheriff Leonard, Major Henson, Sgt. Fahrino, and all other Deputy Sheriffs for civil rights violations. Williams moves to proceed as a pauper.

Williams's claims follow. Before Hurricane Ike made landfall, Governor Perry and Galveston officials ordered the evacuation of Galveston Island. The Sheriff and other jail officials were deliberately indifferent to Williams's life, health, and safety by failing to evacuate him. Officials violated Williams's due process rights by subjecting him to the possibility of death and other harm, and inhumane and unsanitary conditions for three weeks. Williams seeks compensatory damages for mental anguish and emotional distress. Williams also requests injunctive and declaratory relief.

Williams is not entitled to the relief he seeks. 42 U.S.C. § 1997e(e) says a prisoner may not sue for mental or emotional injury without a showing of physical injury. Williams does not allege an injury. Under 42 U.S.C. § 1997e(e), his requests for damages fail. *Geiger v. Jowers*, 404 F.3d 371, 375 (5th Cir. 2005). He does not show a basis for granting injunctive or declaratory relief.

This case is dismissed under 28 U.S.C. § 1915(e)(2)(B)(i),(ii).

Signed April 30, 2009, at Houston, Texas.



Lynn N. Hughes
United States District Judge